

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

<b>MIDWEST PILOTS MERGER</b>	)	
<b>COMMITTEE,</b>	)	
<b>CARL SCHWERMEN,</b>	)	
<b>DONALD TILL,</b>	)	
<i>and</i>	)	
<b>MARK E. WARD,</b>	)	
<i>Plaintiffs,</i>	)	<b>Civil Action No. 2:14-cv-01441-RTR</b>
	)	
<i>v.</i>	)	
	)	
<b>FRONTIER AIRLINES, INC.</b>	)	
<i>and</i>	)	
<b>FRONTIER AIRLINE PILOTS</b>	)	
<b>ASSOCIATION,</b>	)	
<i>Defendants.</i>	)	
	)	

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**MOTION BY PLAINTIFF MPMC FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Midwest Pilots Merger Committee (MPMC) respectfully requests, pursuant to Rule 56(a), Fed. R. Civ. P., that this Court grant it partial summary judgment by declaring that defendant Frontier Airlines, Inc. is required to arbitrate with plaintiff MPMC the disputes MPMC has raised under Section V(c) of the November 3, 2009 Dispute Resolution Agreement (DRA). Plaintiff further requests that this Court declare that defendant Frontier Airline Pilots Association (FAPA), is required to arbitrate with defendant Frontier through MPMC and the Frontier Pilots Merger Committee (FPMC) the disputes MPMC has raised under DRA § V(c). And finally, plaintiff requests that this Court issue an injunction requiring defendants Frontier and FAPA to arbitrate before the Integration Arbitrator under DRA § V(c) the issues at bar, including any defense either Frontier or FPMC may assert arising from the terms of the DRA as to the jurisdiction of the Arbitrator to consider DRA interpretation or application claims. That injunction should also direct Frontier and FAPA to pay the arbitrator's fees and expenses. Plaintiff states as follows in support of this motion.

As shown by the Memorandum of Law accompanying this Motion, there can be no genuine dispute as to the facts set forth in the accompanying Statement Of Undisputed Material Facts, and plaintiff MPMC is entitled to judgment in its favor as a matter of law since defendants are obligated by Sections 2 First and 204 of the Railway Labor Act (RLA), 45 U.S.C. § 152 First and 184, to arbitrate under DRA § V(c) the disputes plaintiff MPMC has raised as to the proper interpretation and application of that Agreement. That Memorandum of Law further shows that this Court has jurisdiction to enforce the RLA commands at issue by appropriate injunctive relief.

**WHEREFORE**, plaintiff respectfully requests that this Court grant it judgment in its favor on Count I of the Complaint and issue an injunction directing defendants to comply with the RLA commands they are violating.

Respectfully Submitted,

/s/ John O'B. Clarke, Jr.  
John O'B. Clarke, Jr.  
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Date: February 9, 2015

Attorney for Plaintiffs

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have this 9<sup>th</sup> day of February, 2015, caused a copy of this Motion For Partial Summary Judgment to be served upon counsel for defendants through the Court's Electronic Case Filing system.

/s/ John O'B. Clarke, Jr.  
John O'B. Clarke, Jr.